IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 27773 of 2007(F)

AGAINST THE ORDER IN IA 318/2007 IN
OS.504/2005 of ADDL.SUB COURT, IRINJALAKUDA

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PETITIONER:

MADHAVIKUTTY, AGED 49 YEARS,
D/O. LATE APPUKUTTA MENON, RESIDING AT
PALLICHADATH HOUSE, KANJIRATHODU LANE,
INDINJALAKUDA P.O., MUKUNDAPURAM TALUK,
TRICHUR DISTRICT.

BY ADV. SRI.P.K.JOSE

RESPONDENTS:

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1. SARASWATHY AMMA,
   D/O. PALLICHADATH JANAKI AMMA, CHAMAKUNNU DESOM,
   POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
   P.O. VELLAMKALLOOR, TRICHUR DISTRICT.
2. BALARAMAN,
   S/O.PALLICHADATH JANAKI AMMA, CHAMAKUNNU DESOM,
   POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
   P.O. VELLAMKALLOOR, TRICHUR DISTRICT.
3. KRISHNA DAS,
   S/O. PALLICHADATH JANAKI AMMA, CHAMAKUNNU DESOM,
   POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
   P.O. VELLAMKALLOOR, TRICHUR DISTRICT.
4. JAYASREE,
   D/O.PALLICHADATH JANAKI AMMA, CHAMAKUNNU DESOM,
   POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
   P.O. VELLAMKALLOOR, TRICHUR DISTRICT.
5. RAJASREE,
   D/O.PALLICHADATH JANAKI AMMA, CHAMAKUNNU DESOM,
   POOMANGALAM VILLAGE, MUKUNDAPURAM TALUK,
   P.O. VELLAMKALLOOR, TRICHUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.27773 of 2007

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Dated this the 24th day of September, 2007.

JUDGMENT

This Writ Petition is preferred against the order of the subordinate Judge's Court, Irinjalakuda in I.A.No.318 of 2007 in O.S.No.504 of 2005. That is an application to receive a replication and an objection was filed to receive the replication. That objection has been recorded. So, whatever the present writ petitioner wants to controvert has already been stated in the counter to the petition to receive the replication. Therefore, her contentions are also in the file now. The court should not simply proceed on the basis of the replication, but also take into consideration the counter filed to the replication and the inconsistency with the main pleading and decide the matter in accordance with law. So, if the writ petitioner wants to file a rejoinder to the replication, she must be permitted to do so and for that purpose, she may be given two days time and the trial may be proceeded in accordance with law.

Writ Petition is disposed of accordingly.

M.N.Krishnan,
Judge.

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